

### **SUMMARY OF CLAIMS**

Claims 97, 105, 119, 129 – 140 are pending. No new matter has been added with this amendment. Reconsideration is respectfully requested in light of the following remarks.

### **REMARKS**

The Examiner identified that the application contains claims directed to patentably distinct species of the claimed invention, and required restriction to one of them.

I. The Applicant must select a single member or assay reagent for consideration in claims 130, 131, 134, 136, 138 and 140, as follows:

- a. binding protein,
- b. antibody
- c. antibody fragment,
- d. protein
- e. peptide, or
- f. organic molecule

II. Applicant must select a single label for consideration in claims 132, 135, and 139, as follows:

- g. dye,
- h. fluorescence emitting dye,
- i. chemiluminescence emitting dye,
- j. infrared emitting dye,
- k. colloidal sol,
- l. molecule that generates an electrical and/or magnetic signal, or
- m. enzyme

The Applicant elect without traverse from Group I the species of b. antibody and from Group II the species of g. dye.

Upon allowance of the elected species, the Examiner is required to conduct searches for other species within the genus. Applicants reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected species or subgenus in this application in the event that a generic claim is found allowable.

The Applicant reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected inventions/species during the pendency of the present application.

Reconsideration is respectfully requested in light of the above election.

**CONCLUSION**

Applicants respectfully submit that all rejections have been obviated and that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. If any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the telephone number listed below so that they may be resolved without the need for an additional action.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application or credit any overpayment to Deposit Account No. 23-2415 (Docket No. 36671-740.301).

Respectfully submitted,

Dated: June 18, 2009

By: Anavelys Ortiz-Suarez  
Anavelys Ortiz-Suarez, Ph.D.  
Registration No. 63,535

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 849-3211  
**Customer No. 021971**